

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF MISSOURI**

In re:

Paul Andrew Reicher, Jr.,

Debtor.

Case No.: 24-41494-btf13

DEBTOR'S OBJECTION TO CLAIM 3 – LVNV FUNDING, LLC

COMES NOW Debtor, by and through undersigned counsel, and hereby objects to the Proof of Claim filed by creditor, LVNV Funding, LLC, in the amount of \$671.00, and filed on October 21, 2024. The court claim number is 3.

Your claim may be reduced, modified, or eliminated. You should read this document carefully and discuss it with your attorney, if you have one.

Pursuant to Local Rule 3007-1 (C), the Claimant shall have 30 days after service of the Objection in which to file a Response, if you do not want the court to eliminate or change your claim. The Response shall be in writing and state why the claim should be allowed as filed. If a Response is filed, the Court will schedule a hearing. If no timely Response is filed, the Court will enter an Order sustaining the Objection to the Claim. Parties not represented by an attorney shall mail a Response to the Court at **U.S. Bankruptcy Court, 400 E. 9th St., Room 1510, Kansas City, MO 64106**. Debtor(s) not represented by an attorney must be served a copy of the Response by regular mail. If your Response is mailed, it must be early enough so that the court will receive it on or before 30 days after service of the Objection.

The basis for the objection is as follows:

- The claim should be disallowed entirely because the claim is unenforceable against the debtor and property of the debtor under applicable law pursuant to 11 U.S.C. § 502(b)(1). The Proof of Claim states that the claim is founded upon a credit card. The Proof of Claim supplement identifies the Last Payment Date as March 29, 2019, and the Last Transaction Date as April 7, 2019. Under the relevant Missouri law, RSMo § 516.120, actions upon open accounts have a five-year statute of limitations. As the most recent activity on the account is more than five years before this case was filed on October 17, 2024, the claim is unenforceable and should be disallowed.

Respectfully,

LEGAL AID OF
WESTERN MISSOURI

/s/ James N. Boyce
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CERTIFICATE OF SERVICE (ECF & FIRST CLASS)

The undersigned hereby certifies that a true and correct copy of the foregoing, along with any attachments, was served upon all parties and others receiving electronic service through the U.S. Bankruptcy Court's ECF System, and by First Class U.S. Mail, postage prepaid, upon the affected creditor listed below on December 4, 2024.

Resurgent Capital Services
PO Box 10587
Greenville, SC 29603

/s/ James N. Boyce
James N. Boyce, Attorney